

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

U.S. DISTRICT COURT  
DISTRICT OF VERMONT  
FILED

2018 APR 24 PM 1:49

CLERK

BY

DEPUTY CLERK

Case No. 5:16-cr-94-01

UNITED STATES OF AMERICA,

v.

BRIAN FOLKS,

Defendant.

**VOIR DIRE**

After an initial group of 24 jurors is called up, the court will advise the jury that this case is scheduled for up to three weeks commencing today (April 30). I will hear any final requests for excuses. The box will be refilled before proceeding.

**Summary of the Case**

This is a criminal case. Mr. Folks has been charged by an indictment. An indictment is the legal document which specifies the charges against him. It is not evidence of guilt in any way. In this case, the indictment contains 14 charges against him. These are:

- Conspiracy to distribute heroin and cocaine base;
- Possession of a firearm by a person previously convicted of an offense punishable by more than one year in prison;
- Four counts of distribution of heroin;
- One count of possession of heroin with intent to distribute;
- Six counts of sex trafficking;
- One count of use of the telephone or internet to conduct an unlawful activity which in this case is alleged to be the state law crime of prostitution.

Please keep in mind that Mr. Folks is presumed to be innocent of these charges. That is true today and it remains true throughout the trial unless at the conclusion of the case, the jury

decides that the prosecution has met its burden of proof of guilt beyond a reasonable doubt on one or more of the charges. What is important today is that you keep in mind that the filing of an indictment is not proof of guilt in any way.

The questions I ask of you are intended to assure that the jury is composed of people who are able to be detached and neutral as they hear the case. I ask that you respond fully to any question which calls for a response from you. If your answer is too personal to express in open court, please let me know and the lawyers and I will hear your answer at the bench in privacy.

1. Does anyone know the defendant Brian Folks?
2. Does anyone know the attorneys involved in this case?

The prosecutors are Abigail Averbach, Emily Savner, and Jared Fishman. Ms. Averbach is an Assistant United States Attorney here in Vermont. Ms. Savner and Mr. Fishman are attorneys from the Department of Justice in Washington, D.C.

The defense attorneys are Craig Nolan and David Williams. Mr. Nolan is a partner in the law firm of Sheehey Furlong and Behm here in Burlington. Before joining the firm, he served as a state and then a federal prosecutor in Barre and Burlington. Mr. Williams is a partner in the firm of Jarvis McArthur Williams which is also located in Burlington.

3. Does anyone have any knowledge of the criminal charges pending against Mr. Folks?
4. I have asked the attorneys to give me a list of witnesses who may testify in the case.

These witnesses are:

**\*\*Counsel to supply a list of witnesses by the morning of jury selection.\*\***

5. Does anyone know any of the people on this list?
6. Has anyone, including a close friend or family member, ever been charged with a crime?

Would that experience – or your friend or relative’s experience –tend to color your opinions in a criminal case such as this one?

7. Has anyone, including a close friend or family member, ever been the victim of a crime?  
Would that experience tend to color your opinions in a criminal case such as this one?

8. Has anyone, including a close friend or family member, ever held a job in law enforcement? Would that experience tend to color your opinions in a criminal case such as this one?

9. I have some questions for you concerning the subject matter of the charges.  
Several of the charges involve the sale and distribution of heroin and cocaine base – commonly called crack.

Has anyone, including a close friend or family member, had experiences in their life or in the lives of people close to them involving these drugs?

Would these experiences affect your ability to hear the evidence and decide this case fairly?

One charge concerns possession of a firearm.

Does anyone have strong feelings or beliefs about the possession of firearms which would affect their ability to hear the evidence and decide this case fairly?

The remaining charges concern allegations of sex trafficking and use of interstate communications to facilitate a crime which in this case is alleged as the crime of prostitution.

Sex trafficking is the crime of enticing or coercing people into participating in prostitution. The evidence concerning these counts may include explicit images and testimony concerning alleged abuse of young women.

Has anyone, including a close friend or family member, had experiences in their life or in the lives of people close to them which would affect their ability to hear the evidence and decide this case fairly involving the following subjects:

- a. Sexual abuse;
- b. Domestic violence;
- c. Prostitution;
- d. Pornographic images.


Because of the sensitivity of these subjects, I will ask each of you to speak with the lawyers and with me at the bench. Please remember that if a person comes forward, they may be discussing either an experience they have had or the experience of someone else in their circle of friends and family.

**The court will give counsel an opportunity to ask follow up questions. These questions should be limited to 30 minutes or less.**

**Challenges for Cause**

Peremptory challenges –6 for the Government and 10 for the defendant. A pass is equivalent to the use of a peremptory challenge and reduces the number of challenges remaining for that side. The court will also seat four alternates. Each side will get two additional challenges directed to the alternates. Trial will start immediately after the conclusion of jury selection.

Dated at Rutland, in the District of Vermont, this 24th day of April, 2018.

  
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Geoffrey W. Crawford, Chief Judge  
United States District Court